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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CAPITAL GROUP COMMUNICATIONS,
INC.

Plaintiff,

v.

GOTTAPLAY INTERACTIVE, INC., JOHN
P. GORST and MARK H. LEVIN, et al.

Defendants.

AND RELATED COUNTERCLAIM.

Case No. C-07-3632-EMC

Related Case No. C-07-4470 EMC

**STIPULATION FOR REFERENCE TO
EXPEDITED MEDIATION UNDER ADR
LOCAL RULE 6-2 AND PROPOSED
ORDER**

1 WHEREAS, two related actions are pending before this Court, *Capital Group*
2 *Communications, etc. v. Gottaplay Interactive, etc., et al.*, Case No. C-07-3632-EMC, and
3 *Colonial Stock Transfer Co. v. Gottaplay Interactive, etc., et al.*, Case No. C-07-4470 EMC
4 (collectively, the “Actions”)

5 WHEREAS, various motions are pending and set to be heard by the Court in the
6 next few weeks, including Capital Group’s Motion for Issuance of Preliminary Injunction
7 (October 24, 2007 at 3 p.m.); (2) Colonial's Motion For Discharge and Capital Group’s Cross-
8 Motion to Dismiss Interpleader Action (October 24, 2007 at 3 p.m.); and (3) Capital Group’s
9 Motion to Dismiss Gottaplay’s Counterclaims For Failure to State a Claim and Motion to Strike
10 Affirmative Defenses (November 7, 2007 at 10:30 a.m.)

11 WHEREAS, the parties have agreed to participate in a mediation through the
12 Court’s ADR Program under ADR Local Rule 6 prior to the October 24, 2007 motion hearings.

13 WHEREAS, the parties have contacted the Director of the Court’s ADR Program
14 about the Court’s mediation program and selected four alternative mediators from the Court’s
15 approved list.

16 WHEREAS, the parties believe that they might be able to resolve their dispute if
17 the Court referred the Actions to an expedited mediation to be completed before October 24,
18 2007.

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1 The parties hereby jointly request through this Stipulation that the Court refer the
2 Actions to an expedited mediation to be completed before October 24, 2007 under ADR Local
3 Rule 6.

4 Dated: October 5, 2007

LAW OFFICES OF JAMES M. BARRETT

5
6 By: /s/
JAMES M. BARRETT
7 Attorneys for Attorneys for COLONIAL STOCK
TRANSFER CO.

8 Dated: October 5, 2007

LAW OFFICES OF JOHN R. MAYER

9
10 By: /s/
JOHN R. MAYER
11 Attorneys for GOTTAPLAY INTERACTIVE,
INC., JOHN P. GORST and MARK H. LEVIN

12 Dated: October 5, 2007

STEIN & LUBIN LLP

13
14 By: /s/
MICHAEL F. DONNER
15 Attorneys for CAPITAL GROUP
COMMUNICATIONS, INC. and DEVIN BOSCH

ORDER

IT IS HEREBY ORDERED that the foregoing Stipulation is approved in its entirety and that the related actions, *Capital Group Communications, etc. v. Gottaplay Interactive, etc., et al.*, Case No. C-07-3632-EMC, and *Colonial Stock Transfer Co. v. Gottaplay Interactive, etc., et al.*, Case No. C-07-4470 EMC, are hereby referred to an mediation through the Court's ADR Program pursuant to under ADR Local Rule 6. The mediation shall be completed before October 24, 2007. The parties shall advise the Court prior to that date whether a settlement has been reached at the mediation.

IT IS SO ORDERED.

Dated: _____

MAGISTRATE JUDGE EDWARD M. CHEN